

BARRY J. PORTMAN  
Federal Public Defender  
SHAWN HALBERT  
Assistant Federal Public Defender  
555 12th Street, Suite 650  
Oakland, CA 94607  
Tel: (510) 637-3500

Counsel for Defendant VINCENT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA.

**Plaintiff.**

v.

Mitchell Charles Vincent,

**Defendant.**

No. 08-00034 CW

STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING DATE FROM APRIL 2, 2008 TO JUNE 4, 2008 AND FOR EXCLUSION OF TIME; ORDER FOR PREPARATION OF CRIMINAL HISTORY PRE-PLEA REPORT

Defendant Mitchell Charles Vincent is scheduled to appear in court on Wednesday, April 2, 2008 for change of plea or setting. The parties believe that they have reached an agreement pursuant to Rule 11(c)(1)(C) and agree that it would be beneficial to have a Pre-Plea Presentence Investigation Report calculating only criminal history. Thus, the parties request that the Court order that U.S. Probation prepare a Pre-plea Presentence Investigation report and that the next court date in this matter be continued to June 4, 2008 (or some date thereafter convenient to the Court) for change of plea and sentencing. As the government will submit the proposed plea agreement to the Court, the parties further stipulate and agree that the time between April 2, 2008 and June 4, 2008 should be excluded from calculations under the Speedy Trial Act, 18 U.S.C. §3161(h)(1)(I) for

1 consideration by the Court of a proposed plea agreement to be entered into by the defendant and the  
2 attorney for the government.

3 SO STIPULATED.

4 Dated: April 1, 2008

/S/

---

5 SHAWN HALBERT  
6 Assistant United States Attorney

SO STIPULATED.

7 Dated: April 1, 2008

/S/

---

8 WADE RHYNE  
9 Assistant United States Attorney

10 I hereby attest that I have on file all holograph signatures for any signatures indicated by  
11 a "conformed" signature (/S/) within this e-filed document.

12

13 **ORDER**

14 Good cause appearing therefore, and pursuant to the stipulation of the parties, it is the ORDER  
15 of this Court that the above-captioned matter, which is currently set for April 2, 2008 for setting or  
16 change of plea, be continued to June 4, 2008, at 2:00 p.m.

17 IT IS FURTHER ORDERED THAT U.S. Probation shall prepare a Pre-Plea Presentence  
18 Investigation Report calculating only criminal history and shall submit such report to the parties and  
19 the Court no later than May 28, 2008.

20 Based on the reasons provided in the stipulation of the parties above, the Court hereby  
21 ORDERS that the time between April 2, 2008 and June 4, 2008 should be excluded from  
22 calculations under the Speedy Trial Act, 18 U.S.C. §3161(h)(1)(I) for consideration by the Court of  
23 a proposed plea agreement to be entered into by the defendant and the attorney for the government.

24 Dated: April \_\_\_, 2008

---

25 CLAUDIA WILKEN  
26 United States District Judge